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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,961	12/27/2000	Yung-Sung Chien	EM/CHIEN/6347	3197

7590 10/05/2004

BACON & THOMAS
625 Slaters Lane - 4th Floor
Alexandria, VA 22314

EXAMINER

NGUYEN, NGA B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,961

Applicant(s)

CHIEN, YUNG-SUNG

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is the answer to the communication filed on December 27, 2000, which paper has been placed of record in the file.
2. Claims 1-7 are pending in this application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are ambiguously constructed and indeterminate in scope because they purport to claim both an apparatus and method of using the apparatus in a single claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the disclosed prior art (see the Specification, page 7, line 1 through page 10, line 23; The

"Herhui" system), in view of Levine et al. (hereinafter Levine), U.S. Patent No. 6,233,566.

Regarding to claims 1-4, as stated by applicant (see the Specification, page 7, line 1 through page 10, line 23), the automatic financing administration system is operated similarly to the Herhui system in the traditional Chinese society. In a Herhui system: the founder decides respective winners of substantially fixed-amounted financing activities among said members allocated to respective financing group periodically, and calculates amounts of money in said respective financing activities. The decision of winner of a financing activity by the founder comprises the following steps:

prior to a deadline, receiving offers of bids of loan interests from members designated to a financing group which members has not won in a financing activity in said financing group in a previous time;

at said deadline, comparing amounts of said offers of bids and deciding member offering the highest amount as winner of said financing activity; and

if no offer is receive, selecting a member from members who has not won a financing activity in said financing group in a previous time as winner of financing activity randomly or under a predetermined order.

wherein said amounts of money in a financing activity comprises amounts of money to be collected from members in a financing activity and calculation of said amounts comprises the following steps:

amount of money to be collected from a member who has won a bid in a previous time is a unit amount or a unit amount plus said amount of loan interest offered by the winning member in said financing activity;

amount of money to be collected from a member who has not won a bid in a previous time and in said financing activity is said unit amount or a unit amount minus said amount of loan interest offered by the winning member in said financing activity; and

amount of money to be collected from winning member of said financing activity is 0; and wherein said unit amount is a predetermined amount.

Moreover, the traditional Herhui system in the Chinese society above is often operated by person-to-person (e.g. face-to-face or over the telephone), the founder and members manually record the member's information and financial activities into papers, the processes of deciding respective winners and calculating amounts of money in respective financing activities are often performed manually by the founder. Thus, traditional Herhui system is not operated by any computer system connected to a network.

However, Levine discloses an automatic financing administration system (figures 3-3 and column 9, line 53-column 10, line 38; the centralized exchange system 200), comprising:

a communication interface allowing communication between said automatic financing administration system and a network communication system (figure 20, item 2024 and column 28, lines 27-42; the communications interface 2024);

a membership database storing personal information of members who are allowed to participate in financing transaction under the administration of said automatic financing administration system; which personal information comprising credit information including credit lines of members and payment history of members (column 21, lines 40-57; subscriber's profiles);

a membership administration module allowing adding, deleting and revision of said personal information stored in said membership database (column 21, lines 40-57; the subscriber can access his own profile to update the information in the profile);

a financing group database comprising a plurality of historical files containing personal information of members allocated to respective financing groups and history of financing activities of said members (column 13, lines 13-15; Trade database 203a, 203b; or column 23, line 53-column 24, line 7; the subscriber is provided the summarizes the subscriber's buying and selling activities);

a financing group administration module to add, delete and revise said historical files in said financing group database (column 10, lines 45-53); and

a finance administration module to conduct collection and payments of financing activities wherein winners are decided by said financing group administration module (column 24, line 57-column 25, line 17);

a financing group recruiting module to generate transaction conditions various financing groups, allowing members whose personal information is stored in said membership database to input requests to be designated to a particular financing group (column 22, lines 5-37; the subscriber can view the trading company profile);

a credit investigation module to, upon said request, automatically decide whether a member is allowed to be designed to a said particular financing group according to said personal information stored in said membership database (column 19, lines 37-57; Credit Report module); and

financing organization module to generate a financing group data files in said financing group database (column 10, lines 54-67), when number of members allowed to be designated to said particular financing group is equal to or greater than a predetermined number (in Herhui system).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of computer system of Levine in the traditional Herhui system for the purpose of providing more convenient, efficiency, accuracy, and time consuming in operating Herhui system, because with the aid of computer system, the Herhui process is automatically operated, the founder and members do not need to perform their roles by manual, sometimes is inconvenient, inaccurate, and required more time.

Claims 5-7 have the same limitations found in claims 1-3 above, therefore, are rejected by the same rationale.

Conclusion

7. Claims 1-7 are rejected.

8. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

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Tengel et al. (US 5,940,812) disclose apparatus and method for automatically matching a best available loan to a potential borrower via global telecommunications network.

Zandi (US 5,966,699) discloses System and method for conducting loan auction over computer network.

Fraser et al. (US 5,995,947) disclose interactive mortgage and loan information and real-time trading system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
C/o Technology Center 3600
Washington, DC 20231

Or faxed to:

(703) 872-9326 (for formal communication intended for entry),

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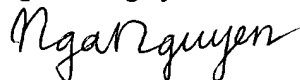
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or

(703) 308-3691 (for informal or draft communication, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen



September 28, 2004